

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

(Docket No. 70605-7105)

Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.**ACTION:** Notice of preliminary change in total allowable catch and bag limits for king and Spanish mackerel.

SUMMARY: The Secretary of Commerce issues a notice of preliminary change in the total allowable catch (TAC) for the Gulf migratory group of king mackerel and the Atlantic and Gulf migratory groups of Spanish mackerel and bag limits for Spanish mackerel in accordance with the framework procedure of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP). This notice proposes (1) reductions in TAC and allocations for the Gulf migratory group of king mackerel and the Atlantic and Gulf migratory groups of Spanish mackerel; and (2) bag limits for Spanish mackerel from both migratory groups. The intended effects are to protect the mackerels and still allow a catch by the important recreational and commercial fisheries that are dependent on these species.

DATES: Written comments must be received on or before June 24, 1987.**ADDRESSES:** Comments should be sent to William N. Lindall, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702.**FOR FURTHER INFORMATION CONTACT:** William N. Lindall, 813-893-3721.

SUPPLEMENTARY INFORMATION: The mackerel fisheries are regulated under the FMP, which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils), and its implementing regulations at 50 CFR Part 642. Amendment 1 to the FMP was implemented September 22, 1985 (50 FR 3843), August 28, 1985). A proposed rule to implement Amendment 2 was published April 29, 1987 (52 FR 15519). This notice proposes specific bag limits for Spanish mackerel that were reserved in the proposed rule and proposes changes to the TACs and allocations for Spanish mackerel in that proposed rule. The final rule to implement Amendment

2 is expected to be effective at about the same time as the final action on this notice.

In accordance with § 642.27, the Councils appointed an assessment group (Group) to assess on an annual basis the condition of each stock of king and Spanish mackerel in the management unit, to report its findings, and to make recommendations to the Councils. Based on the report and recommendations of the Group, advice from the Mackerel Advisory Panel and the Scientific and Statistical Committee, and public input, the Councils recommended to the Regional Director, Southeast Region, NMFS (MD), changes to TACs, allocations, quotas, and bag limits.

Specifically, the Councils recommended that, effective with the fishing year beginning July 1, 1987, annual TACs be set at 2.2 million pounds (m. lbs.) for Gulf migratory group king mackerel and 2.5 m. lbs. for Gulf migratory group Spanish mackerel. The Councils further recommended that effective for the fishing year which began April 1, 1987, annual TACs remain at 9.68 m. lbs. for Atlantic migratory group king mackerel and be set at 3.1 m. lbs. for Atlantic migratory group Spanish mackerel. All TACs are within the range of acceptable biological catch provided by the Group.

In accordance with the provisions of the FMP, the recreational fishery and the commercial fishery are each allocated a fixed percentage of each TAC and the Gulf king mackerel commercial allocation is subdivided into quotas for eastern and western zones. Under the fixed percentages and the proposed TACs, allocations and quotas would be as follows:

	(pounds)
Gulf King Mackerel-TAC.....	2.2 m.
Recreational allocation (68%)	-1.5 m.
Commercial allocation (32%).....	-0.7 m.
Eastern zone (69%)	-0.5 m.
Western zone (31%)	-0.2 m.
Gulf Spanish Mackerel-TAC.....	2.5 m.
Recreational allocation (43%)	-1.08 m.
Commercial allocation (57%).....	-1.42 m.
Atlantic King Mackerel-TAC.....	9.68 m.
Recreational allocation (62.9%)	-6.09 m.
Commercial allocation (37.1%)	-3.59 m.
Atlantic Spanish Mackerel-TAC.....	3.10 m.
Recreational allocation (24%)	-0.74 m.
Commercial allocation (76%).....	-2.36 m.

In amendment 2 to the FMP, the Councils proposed a ban on the use of purse seines in the exclusive economic zone (EEZ) to harvest any of the commercial allocations. The Regional Director's decision to approve the prohibition, except with regard to the

Atlantic migratory group of king mackerel, is reflected in the final rule implementing Amendment 2.

The recreational fishery is regulated by both allocations and bag limits. The Council recommended no changes in the bag limits applicable to king mackerel. For Spanish mackerel, the Councils recommended for the Gulf migratory group three fish per person per trip and for the Atlantic migratory group four fish per person per trip off Florida (southern area) and ten fish per person per trip off North Carolina, South Carolina, and Georgia (northern area).

The 10-fish bag limit would provide those persons fishing in the northern area an opportunity to catch Spanish mackerel from offshore areas where there are thinly distributed, seasonal fisheries. The estimated percentage of reduction of catch in both areas is the same, 25 percent.

The Regional Director concurs that the Councils' recommendations are necessary to protect the stocks and prevent overfishing and that they are consistent with goals and objectives of the FMP, the national standards, and other applicable law. Accordingly, the Council's recommended changes are published.

Classification

This action is authorized by 50 CFR 642.27, and complies with E.O. 12291.

The Councils prepared a supplemental regulatory flexibility analysis for the rule which authorizes this action and a supplemental regulatory impact review for this action. You may obtain copies from the address below.

List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: June 4, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service.

PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC

For reasons set forth in the preamble, 50 CFR Part 642 is proposed to be amended as follows:

1. The authority citation for Part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 642.21, paragraphs (a)(1), (b)(1), (c), and (d) are revised, paragraph (e) is removed, and paragraph (f) is redesignated as (e) to read as follows:

§ 642.21 Quotas and allocations.

(a) * * *

(1) The commercial allocation for the Gulf migratory group of king mackerel is 0.7 million pounds per fishing year. This allocation is divided into quotas as follows:

- (i) 0.5 million pounds for the eastern allocation zone; and
- (ii) 0.2 million pounds for the western allocation zone.

* * *

(b) * * *

(1) The recreational allocation for the Gulf migratory group of king mackerel is 1.5 million pounds per fishing year.

* * *

(c) *Commercial allocations for Spanish mackerel.* (1) The commercial allocation for the Gulf migratory group of Spanish mackerel is 1.42 million pounds per fishing year.

(2) The commercial allocation for the Atlantic migratory group of Spanish

mackerel is 2.36 million pounds per fishing year.

(d) *Recreational allocations for Spanish mackerel.* (1) The recreational allocation for the Gulf migratory group of Spanish mackerel is 1.08 million pounds per fishing year.

(2) The recreational allocation for the Atlantic migratory group of Spanish mackerel is 0.74 million pounds per fishing year.

* * *

3. In § 642.28, paragraph (a), introductory text, paragraph (a)(1) heading, and paragraph (a)(2) are revised and paragraphs (a)(3) and (a)(4) are added to read as follows:

§ 642.28 Bag and possession limits.

(a) *Bag limits.* A person who fishes for king or Spanish mackerel from the Gulf or Atlantic migratory group (see Figure 2) in the EEZ, except a person fishing under a permit specified in § 642.4 and an allocation specified in § 642.21(a) or

(c), or possessing the purse seine catch allowance specified in § 642.24(b), is limited to the following:

(1) *King mackerel Gulf migratory group.* * * *

(2) *King mackerel Atlantic migratory group.* Possessing three king mackerel per person per trip.

(3) *Spanish mackerel Gulf migratory group.* Possessing three Spanish mackerel per person per trip.

(4) *Spanish mackerel Atlantic migratory group.* (i) Possessing four Spanish mackerel per person per trip from the southern area.

(ii) Possessing ten Spanish mackerel per person per trip from the northern area.

(iii) For purposes of this paragraph (a)(4) of this section, the boundary between the northern and southern areas is 30°42'45.6" N. latitude.

* * *

[FR Doc. 87-13161 Filed 6-9-87; 8:45 am]

BILLING CODE 3510-22-M